

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
FILED

WESLEY CARPENTER,
Petitioner,

v.

J.A. ECKARD, et al.,
Respondents.

APR 01 2016

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

: Civ. No. 14-4751

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ORDER

On August 11, 2014, state prisoner Wesley Carpenter, proceeding *pro se*, sought habeas relief, alleging numerous instances of ineffective assistance by his trial and appellate counsel. 28 U.S.C. § 2254; (Doc. Nos. 1, 29.) I referred the matter to Magistrate Judge Rueter, who, on December 8, 2015, recommended denying relief. (Doc. No. 31.) Petitioner did not object to Judge Rueter's Report and Recommendation, which I approved and adopted on December 29, 2015.

On January 11, 2016, I received Petitioner's *pro se* "Motion for Relief from Judgment or Order," requesting the opportunity to file belated objections because he never received a copy of the Report and Recommendation. (Doc No. 34.) On January 15, 2016, I granted Petitioner's request, vacated my December 29 Order, and permitted Petitioner to file objections no later than February 1, 2016. (Doc. No. 35.) On February 1, 2016, Petitioner requested an extension of time to file objections. (Doc. No. 36.) On February 5, 2016, I granted Petitioner's request, permitting him to file objections no later than March 1, 2016. (Doc. No. 37.) I ordered the Warden/Superintendent of S.C.I. Huntingdon to "promptly provide Petitioner with a copy" of my February 5 Order, and cautioned that "No further extensions of time to file objections will be granted." (*Id.*) As of today, April 1, 2016, no objections have been filed. (Doc. No. 32); Fed. R. Civ. P. 72(b)(2) (fourteen-day window for filing objections). Accordingly, I will reinstate my December 29, 2015 Order adopting the Report and Recommendation without objections.

ENTERED

APR 01 2016

CLERK OF COURT

AND NOW, this 1st day of April, 2016, it is hereby **ORDERED** that:

1. My December 29, 2015 Order adopting and approving the Report and Recommendation (Doc. No. 33) is **REINSTATED**;
2. The Petition for a Writ of Habeas Corpus (Doc. No. 1) is **DENIED** without an evidentiary hearing and **DISMISSED** with prejudice; and
3. Because Petitioner has not made a substantial showing of the denial of a constitutional right, there is no probable cause to issue a certificate of appealability.

IT IS SO ORDERED.

Paul S. Diamond
Paul S. Diamond, J.